

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-4, 6-12 and 14-16 are pending in this application. Claims 1 and 9, are independent Claims 1 and 10 are hereby amended. Claims 5 and 13 have been canceled without prejudice or disclaimer of subject matter. No new matter is added by these amendments. Support for the amended recitations in the claims is found throughout the Specification. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §112**

Claim 10 was rejected under 35 U.S.C. §112. The Office Action states that it 'is vague because it calls for a portable terminal comprising an electronic apparatus and the electronic apparatus comprising the portable terminal....' Claim 10 has been amended, thereby obviating the rejection. Applicants submit that claim 10 is proper and meets the requirements of 35 U.S.C. §112.

### III. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-4, 6, and 8 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Publication No. 2005/0028208 to Ellis, et al. in view of U.S. Patent No. 6,601,074 to Liebenow in view of U.S. publication No. 2005/0251836 to Young, et al. in view of U.S. Patent No. 6,405,049 to Herrod, et al. and further in view of U.S. Patent No. 5,963,624 to Pope and further in view of U.S. Patent No. 6,594,498 to McKenna, et al.

Claim 7 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Publication No. 2005/0028208 to Ellis, et al. in view of U.S. Patent No. 6,601,074 to Liebenow in view of U.S. publication No. 2005/0251836 to Young, et al. in view of U.S. Patent No. 6,405,049 to Herrod, et al. and further in view of U.S. Patent No. 5,963,624 to Pope and further in view of U.S. Patent No. 6,594,498 to McKenna, et al. and further in view of U.S. Patent No. 6,501,516 to Clapper.

Claims 9-12 and 14-16 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,870,570 to Bowser in view of U.S. Patent No. 6,601,074 to Liebenow in view of U.S. Patent No. 6,405,049 to Herrod, et al. and further in view of U.S. Patent No. 5,963,624 to Pope and further in view of U.S. Patent No. 6,594,498 to McKenna, et al.

Claim 1 recites, *inter alia*:

“...determination means for determining whether the selection information indicates information that has been recorded previously by the apparatus having functions of recording and playing broadcast programs and for designating a point for which to begin playback when the determination means determines the information has been recorded previously as a function of the selection information...” (emphasis added)

As understood by Applicants, U.S. Publication No. 2005/0028208 to Ellis, et al. (hereinafter, merely "Ellis") relates to an interactive TV guide with remote access.

As understood by Applicants, U.S. Patent No. 6,601,074 to Liebenow (hereinafter, merely "Liebenow") relates to maintaining an electronic program guide that includes episode identifiers associated with program information.

As understood by Applicants, U.S. publication No. 2005/0251836 to Young, et al. (hereinafter, merely "Young") relates to a user interface for a television schedule system.

As understood by Applicants, U.S. Patent No. 6,405,049 to Herrod, et al. (hereinafter, merely "Herrod") relates to a portable data device system that include a portable data device and a cradle for receiving the portable data device. The cradle is arranged to recharge the portable data device power supply and upload and download information to and from the portable data device.

As understood by Applicants, U.S. Patent No. 5,963,624 to Pope (hereinafter, merely "Pope") relates to storing a variety of appliance control codes in a cordless telephone handset. The cordless handset can be used as a universal remote for the various appliances.

As understood by Applicants, U.S. Patent No. 6,594,498 to McKenna, et al. (hereinafter, merely "Mckenna") relates to a cellular communication network that operates with existing networks to provide communication services to subscribers.

Applicants submit that nothing has been found in Ellis, Leibenow, Young, Herrod, Pope, or McKenna, taken alone or in combination, that would teach or suggest the above-identified features of claim 1. Specifically, Applicants submit that Ellis, Leibenow, Young, Herrod, Pope, and McKenna fail to teach or suggest control means for controlling, recording and playing broadcast programs in accordance with received selection information and

determination means for determining whether the selection information indicates information that has been recorded previously by the apparatus having functions of recording and playing broadcast programs and for designating a point for which to begin playback when the determination means determines the information has been recorded previously as a function of the selection information, as recited in claim 1.

Furthermore, Applicants respectfully submit that the combination of prior art lacks motivation and is a result of improper hindsight. The Office Action appears to have pieced together a mosaic of features from each of the references. Applicants respectfully request that the rejection be withdrawn.

Therefore, Applicants submits that independent claim 1 is patentable.

With respect to independent claim 9, Applicants respectfully submit that the present application is entitled to the Japanese priority filing date of August 16, 2000. This priority date antedates the October 31, 2000 date to which U.S. Patent No. 6,870,570 to Bowser is entitled. A verified English translation of the priority application (i.e., JP 2000-246795) accompanies this Amendment, from which it can be seen that claims 1-4, 6-12 and 14-16 find full support in Japanese priority application 2000-246795.

Accordingly, Applicants submit that Bowser is not qualified as prior art in a rejection under 35 U.S.C. §103(a), and thus all of the outstanding rejections based upon Bowser in the outstanding Office Action are overcome.

Therefore, Applicants submit that claim 9 is patentable.

Furthermore, Applicants submit that neither Bowser nor Clapper provide the disclosure missing in Ellis, Leibenow, Young, Herrod, Pope, and McKenna.

#### IV. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### CONCLUSION

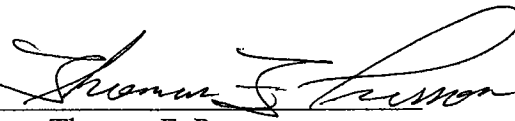
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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